# THE HIGH COURT OF GUJARAT AT AHMEDABAD

## SPECIAL CIVIL APPLICATION No. 633 of 1987

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE K.A.PUJ**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**R K PRAJAPATI - Petitioner(s)**

**Versus**

**COLLECTOR OF MAHESANA - Respondent(s)**

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**Appearance :**
NOTICE SERVED for Petitioner(s) : 1,
MR LB DABHI, AGP for Respondent(s) : 1,
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**CORAM : HONOURABLE MR.JUSTICE K.A.PUJ**

**Date : 20/12/2005**

**ORAL JUDGMENT**

1. The petitioner has filed this petition under Article 226 of the Constitution of India, praying for the direction restraining the

respondent from reverting the petitioner from the post of Dy.Mamlatdar. The petitioner further sought direction to the respondent to treat the petitioner as senior to the persons who have passed the LRQE beyond the specified period and the specified chances. The petitioner has also prayed for the direction restraining the respondent from reverting the petitioner while retaining persons as Dy.Mamlatdars who are either non qualified Dy.Mamlatdars or who had passed the LRQE beyond the specified period and the specified chances. The petitioner has also prayed for the direction to respondent to modify the seniority list dated8.1.1987 of Dy.Mamlatdars in Mahesana District for showing all the persons who have passed the LRQE beyond the specified period and the specified chances below the petitioner in the said seniority list. The petitioner has sought further direction from this Court to the

effect that the petitioner is entitled to the deemed date of promotion in the cadre of Dy.Mamlatdar with effect from the date on which the petitioner's juniors in the cadre of Clerks within the specified chances and specified period were declared to have passed the LRQE subject to the readjustment of seniority under Rule-9 of the LRQE Rules, 1978. By way of interim relief the petitioner has prayed for the direction to restrain the respondent from reverting the petitioner from the post of Dy.Mamlatdar and to direct the respondent to pay the petitioner his salary as Dy.Mamlatdar regularly from month to month.

2. The petition was admitted and rule was issued on 23.2.1997. The Court has also passed the order regarding status-quo. The Court has passed further order on 4.8.1987 to the effect that order regarding vacating interim relief

was dictated in SCA No.3296 of 1986. It, therefore, appears from the record that after 4.8.1987 there was no interim relief in the matter.

3. This petition was filed by the learned advocate on behalf of the petitioner, who was later on elevated to the Bench of this Court. The Court, therefore, issued fresh notice directing the petitioner to engage another advocate or to remain present. The said notice was duly served on the petitioner. Despite the service of notice neither the petitioner remained present nor any advocate has been engaged on behalf of the petitioner. Even otherwise, this petition is of 1987, more than 18 years have passed. The Court is, therefore, of the view that the petitioner might not be interested in prosecuting the matter any further. The petition is, therefore, disposed

of for want of prosecution. Liberty to apply in case of difficulty or if need so arise in future.

4. Subject to the aforesaid directions and observations this petition is accordingly disposed off. Rule is discharged without any order as to costs.

(K. A. PUJ, J.)

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